

# PATENT COOPERATION TREATY

# PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 0000053694	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/EP 03/07321	International filing date ( <i>day/month/year</i> ) 08.07.2003	Priority date ( <i>day/month/year</i> ) 08.07.2002
International Patent Classification (IPC) or both national classification and IPC A01N47/36		
Applicant BASF AKTIENGESELLSCHAFT et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.



2. This REPORT consists of a total of 4 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand  19.12.2003	Date of completion of this report  28.01.2004
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer  Bertrand, F  Telephone No. +49 89 2399-8606 

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/EP 03/07321

## I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

### Description, Pages

1-52 as originally filed

### Claims, Numbers

1-30 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

*(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

**see separate sheet**

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. **PCT/EP 03/07321**

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**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Yes: Claims	1-30
	No: Claims	
Inventive step (IS)	Yes: Claims	1-30
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-30
	No: Claims	

**2. Citations and explanations**

**see separate sheet**

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/EP03/07321

**Re Item I**

**Basis of the report**

The documents mentioned in this International Preliminary Examination Report are numbered in accordance with the order they appear in the International Search Report.

**Re Item V**

**Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

This report is based on the assumption that all claims enjoy priority rights from the filing date of the priority document. If it later turns out that this is not correct, the document D1 indicated in the international search report as P (see below) could become relevant to assess whether the present claims satisfy the criteria set forth in Article 33 PCT.

**Certain published documents (Rule 70.10)**

Application No	Publication date	Filing date	Priority date ( <i>valid claim</i> )
Patent No	( <i>day/month/year</i> )	( <i>day/month/year</i> )	( <i>day/month/year</i> )
WO 02/087322	07.11.2002	26.04.2002	27.04.2001

The present invention relates to a synergistic herbicidal composition containing compounds of formulae I (pyrazoles) and II (foramsulfuron) as given in claim 1. D3 and D2 describe respectively each of those compounds as a part of synergistic herbicidal compositions, but each with different second herbicides, i.e. I and II have not been mixed together. D3 mentions the possibility of using sulfonylureas as second component, but this is within a large list of possibilities. Neither this list nor the examples mention foramsulfuron. The technical problem underlying the present invention can thus be seen with respect to any of D2 or D3 as the provision of further synergistic herbicidal compositions. In the light of the commonly accepted unpredictable aspect of synergy in biological technical fields, the present invention is not considered to be obvious.

The present application meets the requirements of Article 33(2)-(4) PCT, because the claimed subject-matter is new with respect to the prior art as defined in Rule 64(1) to (3) PCT, involves an inventive step (Rule 65(1) and (2) PCT) and is industrially applicable.